II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 December 1990

authorizing the Federal Republic of Germany and the Hellenic Republic to restrict the marketing of seed of certain varieties of agricultural plant species and amending certain Decisions authorizing the Federal Republic of Germany to restrict the marketing of seed of certain varieties of agricultural plant species

(Only the German and Greek texts are authentic)

(91/37/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural species [1], as last amended by Directive 90/654/EEC [2], and in particular Article 15 (2) and (3) thereof,

Having regard to Commission Decision 75/576/EEC [3], and in particular Article 2 thereof and the corresponding provisions of Commission Decisions 79/92/EEC [4], 82/949/EEC [5], 84/23/EEC [6], 85/59/EEC [7], 85/624/EEC [8], 87/110/EEC [9], 87/118/EEC [10], 88/94/EEC [11], 89/77/EEC [12] and 89/589/EEC [13] authorizing the Federal Republic of Germany *inter alia* to restrict the marketing of seed of certain varieties of agricultural plant species,

Having regard to the applications lodged by Germany and Greece,

Whereas, pursuant to Article 15 (1) of Directive 70/457/EEC, seed or propagating material of varieties of agricultural plant species which have been officially accepted during 1988 in at least one of the Member States and which also meets the conditions laid down in Directive 70/457/EEC is, with effect from 31 December 1990, no longer subject to any marketing restrictions relating to the variety in the Community;

Whereas, however, Article 15 (2) of Directive 70/457/EEC provides that, in the cases set out in Article 15 (3), a Member State may be authorized, upon application, to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the application of Germany concerns varieties of maize with a Food and Agricultural Organization (FAO) maturity class index over 350; whereas it is well known that varieties of maize with an FAO maturity class index over 350 are not at present suitable for cultivation in Germany (Article 15 (3) (c), second case, of Directive 70/457/EEC); whereas, therefore, the application of Germany in respect of these varieties should be granted in full;

[1] OJ No L 225, 12. 10. 1970, p. 1.
[2] OJ No L 353, 17. 12. 1990, p. 48.
[3] OJ No L 253, 30. 9. 1975, p. 36.
[4] OJ No L 22, 31. 1. 1979, p. 14.
[5] OJ No L 383, 31. 12. 1982, p. 27.
[6] OJ No L 20, 25. 1. 1984, p. 19.
[7] OJ No L 23, 26. 1. 1985, p. 44.
[8] OJ No L 379, 31. 12. 1985, p. 20.
[9] OJ No L 48, 17. 2. 1987, p. 27.
[10] OJ No L 49, 18. 2. 1987, p. 35.
[11] OJ No L 56, 2. 3. 1988, p. 40.
[12] OJ No L 30, 1. 2. 1989, p. 72.
[13] OJ No L 331, 16. 11. 1989, p. 46.

Whereas the application of Greece concerns early varieties of soya bean ; whereas it is also well known that early varieties of soya bean are not at present suitable for cultivation in Greece (Article 15 (3) (c), second case, of Directive 70/457/EEC) ; whereas, therefore, the application of Greece in respect of these varieties should be granted in full ;

Whereas, however, the system for the grant of authorizations pursuant to Article 15 (2) of the said Directive must be revised, with a view to the completion of the internal market ; whereas this revision will affect all derogations granted hitherto, with effect from 31 December 1992 at the latest ;

Whereas by the abovementioned Decisions the Commission has authorized Germany *inter alia* to prohibit the marketing of seed of certain varieties of oats of the winter type and of certain varieties of maize with an FAO maturity class index over 350, listed in the then current common catalogues of agricultural plant species ;

Whereas experience has shown that it can no longer be maintained that in Germany the value for cultivation and use of certain varieties of oats of the winter type is inferior to other comparable varieties ;

Whereas in the light of current scientific and technical knowledge certain varieties of maize which in the past were considered to fall into a FAO maturity class of an index higher than the abovementioned FAO maturity class index can no longer be so considered ;

Whereas the conditions necessitating the grant of such authorizations to Germany in respect of the said varieties of oats of the winter type and maize are therefore no longer satisfied ;

Whereas accordingly such authorizations in respect of the said varieties should be withdrawn ;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION :

Article 1

The Federal Republic of Germany is hereby authorized to prohibit the marketing in its territory of the following varieties to be listed in the 1991 common catalogue of varieties of agricultural plant species :

CEREALS

Zea mays L. — maize

Acheo
AE 431
Aida
Albax (W)
Alcober
Alfan
Aliber
Alidile
Aligris
Alimir
Alios
Alnus PX 9646
Alver
Alyson
Amalia
Amandis
Amor
Ardy
Ariane
Arider
Ariete
Ario
Atakant
Athenea
Axion
Azuris
Badajoz
Barcellona
Bellum
Bilitis
Blancor (W)
Bleck
Bolt
Bomber
Bondy
Calvi 2659
Capitan
Cardan
Cargispor
Carico
Celina
Celtis
Ciclone
Cifor 4313
Clara 2655
Cometa
Commandos
Conte
Coronado
Corsar
Creso
Cruise
CS 8671
Cusco
Daino
Dakar G-4590
Dekas
Dekor
Dekalb XL 72-3
Denni
Dingo
Diodo
Discovery
Divina (W)
Dixie
DK 415
DK 433
DK 536
DK 698
Doge
Dole
Dracma G-4662
Drive
Ducato G-4712
Duplex
Duplo
Elegans
Emily
Eurodis
Every
Express
Fabio
Faro
Fausto
Feeling 02
Fiorino G-4440
Flax
Frederik
Fuji (W)
Fulton
Furio 4207
Futuro
Galaxis
Gary
Giovanna
Glauco
Gordon
Granada
Great
Greg
Hawaiano
Hercule 2638
Ibernio
Iller
Illinois DK 698
Ionio (Wx)
Itala
Jedi
July
Kido 2641
Kuban
Lady
Lancial
Laser
Lavinia
Leone
LG 2520
Licinio
Litio
Lola (x)
Look
Lord
Loriot (Wx)
Los Angeles
Markober
Masko
Milan
Milford
Mirto
Moana
Molto
Morgan
NC 3440
NC 6131
Natali
Navajo
Nelson
New York
Norman
Odiseo
Olympis
Orchidea

Orionus (Wx)
Ovalis
Pamela
Pasadena
Pascal
Peonia
Plauto
Plutonio
Pothos
Professional
Publio
PX 9283
PX 9540
Regen
Reno
Ring
River
Roger
Roll
Rosai
Roxalis
Roxis
Runner
Sally
San Diego
Sandy
Scorpio
Scott
Sierra
Silka
Simona
Sirmio
Spencer
Spiritis
Sprea
Sprint
Sting
Stratos
Swan (Wx)
Tauro
Terry
Texano
Tiffany
Tosca
Ulis
Urasis
Valdivia
Vandy
Ventotene
Zack
Zannone.

Article 2

The Hellenic Republic is hereby authorized to prohibit the marketing in its territory of seed of the following varieties to be listed in the 1991 common catalogue of varieties of agricultural plant species :

OIL AND FIBRE PLANTS

Glycine max. (L.) Merrill — soya bean

Cervin
Kalmit
Leopard
Major
Mogador.

Article 3

The authorizations given in Articles 1 and 2 shall be withdrawn as soon as it is established that the conditions thereof are no longer satisfied.

Article 4

The Federal Republic of Germany and the Hellenic Republic shall notify the Commission and the other Member States of the date from which they make use of the authorizations given in Articles 1 and 2 respectively and the detailed methods to be followed.

Article 5

The authorizations for the Federal Republic of Germany granted in the Decisions listed below are hereby withdrawn as far as the varieties respectively listed below are concerned :

CEREALS

1. *Avena sativa L.* — oats

Decision	Varieties
75/576/EEC	Angelica Argentina Astra Ava Avoine d'hiver du Prieur Crin Noir Noire de Moyencourt Peniarth Rogart 8
79/92/EEC	Pennal
82/949/EEC	Fringante Kalott Rosette
85/59/EEC	Bulwark Lidia Oyster
85/624/EEC	Mutine Tanagra
87/110/EEC	Vintero
87/118/EEC	AC 1 Blancanieves Blenda Cartuja Nina PA 101 PA 102 PA 105 Prevision Roja de Argelia Saia 6
88/94/EEC	Image Lustre
89/77/EEC	Kynon
89/589/EEC	Aintree Cigale Craig Sonar

2. *Zea mays L.* — maize

Decision	Varieties
82/949/EEC	Fany
84/23/EEC	Cantaleso Eva
85/59/EEC	Arta
85/624/EEC	Senechal
88/94/EEC	Anjou 39 Aquilan LG 2350
89/77/EEC	Jaguar Mikado Nobel
89/589/EEC	Axios

Article 6

This Decision is addressed to the Federal Republic of Germany and the Hellenic Republic.

Done at Brussels, 20 December 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission